

104TH CONGRESS  
2D SESSION

# H. R. 3115

To amend the Federal Food, Drug, and Cosmetic Act to require ingredient labeling for malt beverages, wine, and distilled spirits, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 1996

Mrs. SCHROEDER (for herself, Mr. KENNEDY of Massachusetts, Mr. DEL-  
LUMS, Mr. SERRANO, Mr. ACKERMAN, and Mr. MARKEY) introduced the  
following bill; which was referred to the Committee on Commerce

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## A BILL

To amend the Federal Food, Drug, and Cosmetic Act to  
require ingredient labeling for malt beverages, wine, and  
distilled spirits, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Alcohol Ingredient La-  
5       beling Act of 1996”.

6       **SEC. 2. LABELING.**

7       Section 403 of the Federal Food, Drug, and Cosmetic  
8       Act (21 U.S.C. 343) is amended by adding at the end the  
9       following:

1       “(t)(1) If it is a malt beverage (including malt liquor  
2 or malt cooler), wine (including wine cooler or fortified  
3 wine), distilled spirit (including distilled spirit cooler), or  
4 any other beverage, over-the-counter medication, or simi-  
5 lar product containing more than  $\frac{1}{2}$  percent alcohol by  
6 volume unless it bears a label which—

7           “(A) discloses in a nonpromotional manner the  
8 alcoholic content by volume,

9           “(B) discloses the number of drinks it contains  
10 rounded to the nearest quarter drink,

11          “(C) discloses its ingredients and calories per  
12 container and per drink,

13          “(D) discloses the common or usual name of  
14 each ingredient (including additives), and

15          “(E) bears the following statement: ‘If you or  
16 someone you know has a drinking problem, a call  
17 may be made to (reference to a toll-free number es-  
18 tablished and operated by the Secretary) for help’.

19       “(2) For purposes of subparagraph (1):

20           “(A) The term ‘malt beverage’ means a bev-  
21 erage made by the alcoholic fermentation of an infu-  
22 sion or decoction, or combination of both, in potable  
23 brewing water of malted barley with hops, or their  
24 parts or products, with or without other malted cere-  
25 als, with or without the addition of unmalted or pre-

1       pared cereals, other carbohydrates, or materials pre-  
2       pared, with or without the addition of carbon diox-  
3       ide, and with or without other wholesome products  
4       suitable for human food consumption.

5               “(B) The term ‘wine’ means wine as defined in  
6       sections 610 and 617 of the Revenue Act of 1918  
7       and other alcoholic beverages made in the manner of  
8       wine, including sparkling and carbonated wine, wine  
9       made from condensed grape must, wine made from  
10      other agricultural products than the juice of sound,  
11      ripe grapes, imitation wine, wine compounds sold as  
12      wine, vermouth, cider, sherry, and sake if it contains  
13      not less than 7 percent and not more than 24 per-  
14      cent of alcohol by volume and if for nonindustrial  
15      use.

16              “(C) The term ‘distilled spirit’ means ethyl al-  
17      cohol, hydrated oxide of ethyl, spirits of wine, whis-  
18      ky, rum, brandy, gin, and other distilled spirits, in-  
19      cluding all dilutions and mixtures thereof for  
20      nonindustrial use. Such term does not include mix-  
21      tures containing wine, bottled at 48 degrees of proof  
22      or less if the mixture contains more than 50 percent  
23      wine on a proof gallon basis.

1           “(D) The term ‘drink’ is a serving of a malt  
2           beverage, wine, or distilled spirit which contains .6  
3           ounces of alcohol by volume.

4           “(E) The term ‘ingredient’ shall not mean inci-  
5           dental or trace ingredients.

6           “(3) The Secretary shall by regulation require that  
7           the information required on a container of a malt bev-  
8           erage, wine, or distilled spirit label by subparagraph (1)—

9           “(A) be located in a conspicuous place on such  
10          label,

11          “(B) appear in conspicuous and legible type  
12          which is in contrast by typography, layout, and color  
13          with other printed matter and which is of a size no  
14          less than one-sixteenth of an inch in height,

15          “(C) be displayed horizontally,

16          “(D) be easily legible when the container is held  
17          in the usual way,

18          “(E) be offset by borders, and

19          “(F) in the case of the requirement of subpara-  
20          graph (1)(B), be stated as a number followed by the  
21          word ‘drinks’, be contained within a beer mug sym-  
22          bol, and be placed on the front of the container.”.

23   **SEC. 3. AUTHORIZATION.**

24          There is authorized to be appropriated to the Sec-  
25          retary \$500,000 for fiscal year 1996 and each succeeding

1 fiscal year to establish and operate the toll-free number  
2 referred to in section 403(s)(1)(E) of the Federal Food,  
3 Drug, and Cosmetic Act (as added by section 1).

4 **SEC. 4. REPORT.**

5       The Commissioner of the Food and Drug Administra-  
6 tion shall submit a report, within 90 days of the date of  
7 the enactment of this Act, on the effectiveness of the for-  
8 mat of the Surgeon General's warning required by section  
9 204 of the Alcoholic Beverage Labeling Act of 1988 in  
10 combination with the new ingredient information required  
11 on beverage labels by the amendment made by section 2.  
12 The Commissioner shall evaluate the format of such infor-  
13 mation in terms of its legibility, placement, and  
14 noticeability and in terms of other relevant characteristics.  
15 The report shall make recommendations for improving  
16 such format.

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